IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.S.RADHAKRISHNAN
&
THE HONOURABLE MR. JUSTICE A.K.BASHEER

WEDNESDAY, THE 5TH SEPTEMBER 2007 / 14TH BHADRA 1929

MACA.No. 1516 of 2007

OPMV.1231/2002 of MOTOR ACCIDENT CLAIMS TRIBUNAL, PERUMBAVOOR
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APPELLAT/PETITIONER IN M.V.O.P.

AJEESH, S/O.SURESH BABU, AGED 23 YEARS,
VALATH HOUSE, EAST KADUNGALLOOR,
U.C.COLLEGE P.O., ALUVA.

BY ADV. SRI.DINESH MATHEW J.MURICKEN

RESPONDENTS: RESPONDENTS IN M.V.O.P.
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1. K.P.SALI, KALATHINGAL HOUSE,
VADAKKEKARA, CHITTATTUKARA,
NORTH PARUR.
2. ANILKUMAR, S/O.GANGADHARAN,
ALAMITTOM HOUSE, EAST KADUNGALLOOR,
ALUVA.
3. NEW INDIA ASSURANCE CO.LTD.,
CHANDRIKA BUILDINGS, M.G.ROAD,
KOCHI.

THIS MOTOR ACCIDENT CLAIMS APPEAL HAVING COME UP FOR ADMISSION ON 05/09/2007, THE COURT ON THE SAME DAY PASSED THE FOLLOWING:

K.S. RADHAKRISHNAN & A.K. BASHEER, JJ.

M.A.C.A. No 1516 of 2007

Dated: 5th September 2007

JUDGMENT

Radhakrishnan,J.

This appeal has been preferred against the award passed by the M.A.C. Tribunal in O.P. (M.V) No 1231 of 2002. Petition was dismissed by the Tribunal after rendering a finding that no accident has occurred as alleged by the claimant. Consequently no compensation was awarded. Before the Tribunal respondents 1 and 2 remained ex parte. The case of the petitioner is that the second respondent Anilkumar was riding the motor cycle from west to east through Aluva - Parur road and the petitioner was pillion rider. Accident occurred on 14.04.2002. When the motor cycle reached Anchal at about 6.30 P.M second respondent applied brake and turned the motor cycle rashly and negligently to the left side of the road on seeing a pedestrian and then second respondent fell down and sustained serious injuries. Tribunal has clearly found that there is nothing to show that Anil Kumar was riding the motor cycle. Anil Kumar was also not examined. Further there is nothing to show that Anil Kumar sustained any

injuries. Facts would indicate that petitioner himself was riding the motor cycle and he had stated so when he was admitted to the hospital. We are of the view, Tribunal has correctly analysed the evidence and found that the claim petition is a bogus one and rejected the petition. We therefore find no reason to entertain the appeal. The appeal stands dismissed.

Sd/-

K.S. RADHAKRISHNAN
Judge

Sd/-
A.K. BASHEER
Judge

05/09/2007
en

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